

SPONSOR'S  
VIEW:

Rep. Collazo called the veto "purely political," disregarding the needs of the citizens of Port Arthur who must travel to the county seat in Beaumont on county-court business. The bill resolved a purely local matter in which the Governor had no business meddling. Collazo said the Governor bowed to political pressure by the county judge without contacting the sponsor prior to the veto. Since the bill would not have taken effect until 1986, the county would have had more than enough time to find facilities and the budget to pay for the new court.

Granting permission to sue the state  
(HCR 147, by Oliveira)

DIGEST:

The resolution would have permitted William Kenon, Jr. and George Purvis, two divers who participated in the salvage of a 16th century Spanish ship which the state has since taken possession of, to sue the state and (for technical legal purposes) the vessel, its cargo, tackle, and furniture, for any relief they may be entitled to.

GOVERNOR'S  
REASONS  
FOR VETO:

By allowing the plaintiffs to sue both the state and the vessel, the resolution would have subjected the state to "possible seizure and sale of one of the oldest New World vessels ever found off the coast of Texas." The vessel and its contents should belong to Texas.

SPONSOR'S  
VIEW:

Rep. Oliviera said he was disappointed with the veto, but that he had since worked the problems out with the Governor and is pleased with the outcome. He said he thought the contention of the Governor's staff was that the pending Supreme Court case should determine jurisdiction of the divers' case was a valid one. Regarding the possible seizure of the vessel or its artifacts, Oliviera said that was still a possibility. He thought it more likely, though, that the parties would settle out of court.

NOTES:

During the first called session, the 68th Legislature passed HCR 5, which gave Kenon and Purvis permission to sue the state. HCR 5 differed from HCR 147 in allowing plaintiffs to sue in federal court only if a related case pending in U.S. Supreme Court (State of Texas v. Platoro Ltd., Inc.) determines that federal court is the proper jurisdiction for such a case. If the Supreme Court determines that the proper jurisdiction for the Platoro case is state court, the Kenon and Purvis may sue only in state court.

If plaintiffs can sue in federal court, the case will be tried under federal admiralty law, which could entitle them to greater relief than they would get if the case were tried under state law. The other significant difference between HCR 5 and HCR 147 is that HCR 5 permits plaintiffs to sue the state, but not the vessel or its contents.